

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| RELIABLE TRUCKLOAD & BROKERAGE LLC,   | ) | CASE NO. 1:23-cv-1293 |
|                                       | ) |                       |
| Plaintiff,                            | ) | JUDGE DAVID A. RUIZ   |
|                                       | ) |                       |
| v.                                    | ) |                       |
|                                       | ) | ORDER                 |
| STAAR LOGISTICS, LLC, <i>et al.</i> , | ) |                       |
|                                       | ) |                       |
| Defendants.                           | ) |                       |
|                                       | ) |                       |

This matter is before the Court after it received a Joint Proposed Stipulation of Dismissal with Prejudice filed by Defendant Kodiak Transportation, LLC (“Kodiak”) pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) seeking the dismissal with prejudice of Plaintiff’s claims against it. (R. 11). The Joint Proposed Stipulation of Dismissal, agreed to by Plaintiff’s counsel, does not seek dismissal of the claims against Defendants Staar Logistics, LLC or Eastern Environmental Industries, LLC. *Id.*

The Court of Appeals for the Sixth Circuit has held that a notice of dismissal under Rule 41 is confined to dismissal of an entire “action,” and, as such, Rule 41 can only be used to dismiss all claims against all defendants, but not individual claims or parties. *See Letherer v. Alger Grp., LLC*, 328 F.3d 262, 266 (6th Cir. 2003) (citing *Philip Carey Mfg. Co. v. Taylor*, 286 F.2d 782, 785 (6th Cir. 1961)); accord *Vaughn v. Hamilton Cnty.*, 2023 U.S. Dist. LEXIS 73535, \*2 (E.D. ten. Apr. 27, 2023).

Instead, when seeking to dismiss fewer than all claims or parties, the Sixth Circuit instructs parties to utilize Fed. R. Civ. P. 21, which provides, “[o]n motion or on its own, the court may at any time, on just terms, add or drop a party.” The Court, therefore, construes the Joint Proposed Stipulation of Dismissal as an unopposed motion to drop Defendant Kodiak as a party pursuant to Fed. R. Civ. P. 21.

Accordingly, the Court hereby converts the unopposed motion to dismiss into a motion brought under Fed. R. Civ. P. 21, and said motion (R. 11) is hereby GRANTED. All claims by Plaintiff against Defendant Kodiak are hereby dropped. Defendant Kodiak is hereby DISCHARGED from these proceedings with prejudice. By agreement of the parties, each party will bear its own costs and attorneys’ fees. In light of this Order, Defendant Kodiak’s previously filed Motion to Dismiss (R. 8) is hereby DENIED as moot.

**IT IS SO ORDERED.**

Date: August 17, 2023

*David A. Ruiz*

David A. Ruiz  
United States District Judge